HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 7848 OF 1996

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Between:

P. Pandu and another

……Petitioners

And

Government of Andhra Pradesh, rep. by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad and four others

……Respondents

:: ORDER ::

Counsel for the petitioners : Sri K. Venugopal Reddy

Counsel for Respondent Nos.1 and 2 : Government Pleader for Assignment

Counsel for Respondent Nos.3 to 5 : None

Dated: 07-06-2006

In this petition, the petitioners have prayed for restraining the respondents from dispossessing them from land measuring 64 cents

comprised in Survey No.115/3B and 57 cents comprised in Survey No. 115/2B respectively situated in Village Akkarampalli, Tirupathi (Rural), District Chittoor.

In paragraph 3 of the affidavit filed by petitioner No.1 Sri P. Pandu, S/o Vengaiah, it has been averred that the petitioners are landless poor persons of Akkarampalli Village. They were granted DKT pattas in respect of the land in question in 1979. According to Sri Pandu, both the petitioners have been cultivating the land but the revenue authorities, without giving them any notice and in collusion with the land grabbers are trying to dispossess them. Along with his affidavit, petitioner No.1 has enclosed xerox copies of DKT pattas No. 1560/4/89 and 1559/4/1389 dated 19-10-1979 as also duplicate copies of the receipts allegedly issued by the concerned authorities evidencing the deposit of land revenue.

In the counter affidavit filed by Sri H. Sankaranarayana Murthy, Mandal Revenue Officer, Tirupathi (Urban), it has been averred that the land in dispute belongs to one
Smt. L. Leelavathamma, W/o Chandrasekhar. Her title has been disputed by some persons who have filed appeals and revisions before the competent authorities under the Inams Abolition Act, 1956 and the same are pending. In para 2 of the counter affidavit, it has been averred that xerox copies of the DKT pattas produced by the petitioners are fabricated. According to the respondents, these documents have been prepared for laying false claim over the property in dispute.

I have heard learned counsel for the parties and perused the record.

In paragraphs 2 and 3 of the counter affidavit, Sri H. Sankaranarayana Murthy has averred as under:

"In reply to the averments made in Para-2

of the Petitioners' affidavit, it is submitted that the contention of the petitioners that they were granted DKT patta for an extent of 0.64 cents and 0.54 cents comprised in S.No.115/2B and 115/3B of Akkarampalle village during the year 1979 is false and any DKT pattas produced before the Hon'ble court are fabricated used as an instrument in order to get favourable orders from the Hon'ble court against the Government. As a matter of fact, the lands in S.No.115/2B and 3B were originally classified as Assessed Waste Dry in the village accounts and no assignment was considered in favour of the writ petitioners at any time in the said survey numbers. In fact the Writ Petitioners were granted House in Sy.No.11/2B-2A2 to an extent of Ac.0.02 cents each in Plot No.37 & 34 vide THS No. 926/92 and 929/92 dated 16-07-92 respectively situated at Ananthasayanam, Leprosy Colony, Akkrampalle Village.

In reply to the averments made in Para-4 of the Petitioners' affidavit, it is submitted that the contention of the petitioners that the Revenue Inspector has also issued adangal confirming their occupation of the lands in question is totally false. As could be seen from the revenue records the lands in S.No.115/2B and 3B of Akkarampalle stands registered in the name of Kora Ramakrishnama Naidu under the provisions of Inams Abolition Act, 1956. It is not known how the adangal reflects the names of the writ petitioners. The said documents if any are fabricated and created for grabbing valuable Government land."

The petitioners have not filed rejoined affidavit to controvert the allegations contained in the affidavit of Sri H. Shankaranarayana Murthy that the DKT pattas produced by them are fabricated. During the course of hearing, I asked the learned counsel to produce the original DKT pattas to substantiate the plea of his clients that they have been granted pattas in respect of the land in question in 1979, but he could not produce the original DKT pattas. It is, therefore, reasonable to take the view that the documents produced by the

petitioners in support of their claim over the land in dispute are not genuine. In my considered view, such documents cannot be made basis for granting relief to the petitioners by exercising power under Article 226 of the Constitution of India and the writ petition is liable to be dismissed.

There is another reason for my disinclination to entertain the prayer of the petitioners. The question whether the documents produced by the petitioners as DKT pattas issued by the competent authority are genuine or not cannot be decided by this Court under Article 226 of the Constitution of India and the only remedy available to the petitioners for vindication of their right on the basis of these documents is to file civil suit.

With the above observations, the writ petition is dismissed. The interim order passed earlier shall stand automatically vacated.

G.S. SINGHVI, CJ

07-06-2006
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